

Court No. - 21

Case :- WRIT - C No. - 39238 of 2023

Petitioner :- Kapil Bhati

Respondent :- Union Of India And 24 Others

Counsel for Petitioner :- Yatindra Kumar Dubey

Counsel for Respondent :- A.S.G.I.,Anjali Upadhyia,Anuj Pratap Singh,C.S.C.,Praveen Kumar Giri,Shiv Singh Yadav

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. Heard counsel for the petitioner, learned standing counsel for the State respondents, Ms. Anjali Upadhyia for respondent no.2 and Sri P.K. Giri for respondent no.25.
2. The instant petition has been filed praying for a writ of mandamus commanding the respondents to make payment of compensation to the petitioner and other co-sharers only after the partition suit between them pending before the Sub Divisional Magistrate, Judicial, Dadri is decided.
3. It seems that the petitioner is co-sharer of a piece of land alongwith private respondents. A suit for partition of the said land is pending before the Sub Divisional Magistrate. The said land was acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 between the period 2021-22. An award was made on 1.07.2022 as informed by Ms. Anjali Upadhyia, learned counsel appearing on behalf of respondent no.2.
4. Counsel for the petitioner submits that since the partition suit is pending between the parties and, therefore, this Court may restrain the respondents from releasing the compensation amount in favour of the co-sharers.
5. In our opinion, for the said purpose, the petitioner has to approach the competent authority or in the event he wants the matter relating to apportionment of compensation being decided, seek reference under Section 76 of the Act.
6. No ground is made out for interference in exercise of writ jurisdiction. The petition stands disposed of with the aforesaid liberty reserved in favour of the petitioner.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 30.11.2023/SL